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Attorney for Plaintiff
RUSSELL DON HOLTZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RUSSELL DON HOLTZ,

Plaintiff,

v.

BANK OF AMERICA, NATIONAL
ASSOCIATION, a national banking
association; CAL-WESTERN
RECONVEYANCE CORPORATION, a
California corporation; PRLAP, INC., a North
Carolina corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No. C08-02166-RMW-RS

**STIPULATION OF DISMISSAL
AND [PROPOSED] ORDER**

Fed. R. Civ. P. 41(a)(1)

Plaintiff, RUSSELL DON HOLTZ, and Defendants, BANK OF AMERICA, NATIONAL
ASSOCIATION, CAL-WESTERN RECONVEYANCE CORPORATION and PRLAP, INC., hereby
stipulate and agree that the claims asserted in the above-captioned proceeding are hereby dismissed,
with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1). All parties to bear their own costs and attorneys
fees.

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1 Dated: July 16, 2008

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.
Attorney for Plaintiff
RUSSELL DON HOLTZ

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4 Dated: July 16, 2008

/s/ Sunny S. Huo

Sunny S. Huo, Esq.
Attorney for Defendants
BANK OF AMERICA, NATIONAL
ASSOCIATION, and PRLAP, INC.

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7 Dated: July 16, 2008

/s/ Kerry W. Franich

Kerry W. Franich, Esq.
Attorney for Defendant
CAL-WESTERN RECONVEYANCE
CORPORATION

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12 THE FOREGOING STIPULATION
13 IS APPROVED AND IS SO ORDERED.

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15 Dated: _____

The Honorable Ronald M. Whyte
Judge of the District Court